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BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against: )

CARL ANTHONY GALLOWAY, M.D. )

File No. 06-2000-111189

Physician's and Surgeon's )  
Certificate No. C 35766 )

Respondent. )

DECISION

The attached Stipulated Settlement for a Public Reprimand is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 5, 2003.

IT IS SO ORDERED May 6, 2003.

MEDICAL BOARD OF CALIFORNIA

By: Lorie G. Rice  
Lorie G. Rice, Chair  
Panel A  
Division of Medical Quality

1 BILL LOCKYER, Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE, State Bar No. 141267  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-8944  
5 Facsimile: (213) 897-1071  
6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 CARL ANTHONY GALLOWAY, M.D.  
2080 Chanel Ford Road  
15 Westlake Village, California 91361

16 Physician and Surgeon Certificate No. C 35766

17 Respondent.

Case No. 06-2000-111189

OAH No. L-2002090725

18 **STIPULATED SETTLEMENT FOR**  
19 **A**  
20 **PUBLIC REPRIMAND**

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 PARTIES

24 1. Ron Joseph (Complainant) is the Executive Director of the Medical Board of  
25 California. He brought this action solely in his official capacity and is represented in this matter  
26 by Bill Lockyer, Attorney General of the State of California, by Karen B. Chappelle, Deputy  
27 Attorney General.

28 2. Carl Anthony Galloway, M.D. (Respondent), is representing himself in this  
proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about April 29, 1974, the Medical Board of California issued Physician and  
Surgeon Certificate No. C 35766 to Carl Anthony Galloway, M.D. (Respondent). The

1 Certificate

2

3 was in full force and effect at all times relevant to the charges brought in Accusation No.  
4 06-2000-111189 and will expire on July 31, 2003, unless renewed.

5

JURISDICTION

6 4. Accusation No. 06-2000-111189 was filed before the Division of Medical Quality  
7 (Division) for the Medical Board of California, Department of Consumer Affairs, and is  
8 currently pending against Respondent. The Accusation and all other statutorily required  
9 documents were properly served on Respondent on July 6, 2002. Respondent timely filed his  
10 Notice of Defense contesting the Accusation. A copy of Accusation No. 06-2000-111189 is  
11 attached as exhibit A and incorporated herein by reference.

12

ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and understands the charges and allegations in  
14 Accusation No. 06-2000-111189. Respondent has also carefully read, and understands the  
15 effects of this Stipulated Settlement and Disciplinary Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to  
20 compel the attendance of witnesses and the production of documents; the right to reconsideration  
21 and court review of an adverse decision; and all other rights accorded by the California  
22 Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each  
24 and every right set forth above.

25

CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in  
27 Accusation No. 06-2000-111189.

28 9. Respondent agrees that his Physician and Surgeon Certificate is subject to

1 discipline and he agrees to be bound by the Division of Medical Quality (Division) 's imposition  
2 of discipline as set forth in the Disciplinary Order below.

3  
4 CONTINGENCY

5 10. This stipulation shall be subject to approval by the Division of Medical Quality.  
6 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
7 Board of California may communicate directly with the Division regarding this stipulation and  
8 settlement, without notice to or participation by Respondent. By signing the stipulation,  
9 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind  
10 the stipulation prior to the time the Division considers and acts upon it. If the Division fails to  
11 adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order  
12 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
13 action between the parties, and the Division shall not be disqualified from further action by  
14 having considered this matter.

15 11. The parties understand and agree that facsimile copies of this Stipulated  
16 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
17 force and effect as the originals.

18 12. In consideration of the foregoing admissions and stipulations, the parties agree  
19 that the Division may, without further notice or formal proceeding, issue and enter the following  
20 Disciplinary Order:

21  
22 ORDER

23 13. MEDICAL RECORD KEEPING COURSE- Within 90 days of the effective date  
24 of this decision, Respondent shall enroll in and successfully complete the Physician Prescribing  
25 Course offered by the Physician Assessment and Clinical Education (PACE) of the University of  
26 California, San Diego School of Medicine.

27 Failure to participate in, and successfully complete the course within 90 days of the  
28 effective date of this decision, shall constitute a violation of this stipulation and the matter will be

1 returned to the calendar of the Office of Administrative Hearings for further proceedings on  
2 Accusation No. 06-2000-111189.

3  
4 14. ETHICS COURSE Within ninety (90) days of the effective date of this decision,  
5 respondent shall enroll in and successfully complete a course in Ethics approved in advance by  
6 the Division or its designee.

7 Failure to participate in, and successfully complete the course within 90 days of the  
8 effective date of this decision, shall constitute a violation of this stipulation and the matter will be  
9 returned to the calendar of the Office of Administrative Hearings for further proceedings on  
10 Accusation No. 06-2000-111189.

11 15. PUBLIC REPRIMAND- If Respondent timely and successfully completes each  
12 term and condition set forth in paragraphs 13 and 14, inclusive, above, a public reprimand  
13 pursuant to Business and Professions Code section 2227 shall be issued to Respondent.

14  
15 ACCEPTANCE

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
17 understand the stipulation and the effect it will have on my Physician and Surgeon Certificate. I  
18 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
19 intelligently, and agree to be bound by the Decision and Order of the Division of Medical  
20 Quality, Medical Board of California.

21 DATED: 3/5/03.

22 CARL ANTHONY GALLOWAY M.D.  
23 CARL ANTHONY GALLOWAY, M.D.  
24 Respondent  
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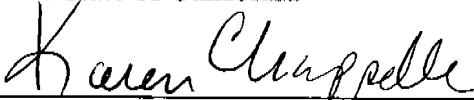
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Division of Medical Quality, Medical Board of California of the Department of Consumer Affairs.

DATED: 2-18-03

BILL LOCKYER, Attorney General  
of the State of California

  
KAREN B. CHAPPELLE  
Deputy Attorney General

Attorney for Complainant

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**Exhibit A**  
**Accusation No. 06-2000-111189**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 NANCY ANN STONER, State Bar No. 72839  
Deputy Attorney General, for  
3 KAREN CHAPPELLE,  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-8944  
6 Facsimile: (213) 897-1071

7 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO July 1, 20 02  
BY Melissa Moore ANALYST

9  
10 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
11 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
12

13 In the Matter of the Accusation Against:

Case No. 06-2000-111189

14 CARL ANTHONY GALLOWAY, M.D.  
2080 Chanel Ford Road  
15 Westlake Village, California 91361

ACCUSATION

16 Physician and Surgeon Certificate No. C 35766

17 Respondent.

18  
19 Complainant alleges:

20 PARTIES

21 1. Ron Joseph (Complainant) brings this Accusation solely in his official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs.

24 2. On or about April 29, 1974, the Medical Board of California issued  
25 Physician and Surgeon Certificate Number C 35766 to Carl Anthony Galloway, M.D.  
26 (Respondent). The Physician and Surgeon Certificate was in full force and effect at all times  
27 relevant to the charges brought herein and will expire on July 31, 2003, unless renewed.

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1                   “(c) Repeated negligent acts.

2                   “(d) Incompetence.

3                   “(e) The commission of any act involving dishonesty or corruption which is  
4 substantially related to the qualifications, functions, or duties of a physician and surgeon.”

5                   6.       Section 2261 of the Code states:

6                   “Knowingly making or signing any certificate or other document directly or  
7 indirectly related to the practice of medicine or podiatry which falsely represents the existence or  
8 nonexistence of a state of facts, constitutes unprofessional conduct.”

9                   7.       Section 2262 of the Code states:

10                  “Altering or modifying the medical record of any person, with fraudulent intent,  
11 or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.

12                  “In addition to any other disciplinary action, the Division of Medical Quality or  
13 the California Board of Podiatric Medicine may impose a civil penalty of five hundred dollars  
14 (\$500) for a violation of this section.”

15                  8.       Section 2266 of the Code states: “The failure of a physician and surgeon to  
16 maintain adequate and accurate records relating to the provision of services to their patients  
17 constitutes unprofessional conduct.”

18                  9.       Section 3501 of the Code states, in pertinent part, that:

19                  “As used in this chapter [Chapter 7.7, entitled “Physician Assistants”]:

20                  “....

21                  “(e) ‘Supervising physician’ means a physician and surgeon licensed by the board  
22 or by the Osteopathic Medical Board of California who supervises one or more physician  
23 assistants, who possesses a current valid license to practice medicine, and who is not currently on  
24 disciplinary probation for improper use of a physician assistant.

25                  “(f) ‘Supervision’ means that a licensed physician and surgeon oversees the  
26 activities of, and accepts responsibility for, the medical services rendered by a physician  
27 assistant.”

28                  10.       Title 16 of the California Code of Regulations, section 1399.541, states, in

1 || pertinent part:

2           - "Because physician assistant practice is directed by a supervising physician, and a  
3 physician assistant acts as an agent for that physician, the orders given and tasks performed by a  
4 physician assistant shall be considered the same as if they had been given and performed by the  
5 supervising physician."

### COST RECOVERY

7                    11.      Section 125.3 of the Code provides, in pertinent part, that the Division  
8      may request the administrative law judge to direct a licensee found to have committed a  
9      violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
10     investigation and enforcement of the case.

## MEDI-CAL REIMBURSEMENT

12 12. Section 14124.12 of the Welfare and Institutions Code states, in part:

“(a) Upon receipt of written notice from the Medical Board of California, . . . that a licensee's license has been placed on probation as a result of a disciplinary action, the department may not reimburse any Medi-Cal claim for the type of surgical service or invasive procedure that gave rise to the probation, including any dental surgery or invasive procedure, that was performed by the licensee on or after the effective date of probation and until the termination of all probationary terms and conditions or until the probationary period has ended, whichever occurs first. This section shall apply except in any case in which the relevant licensing board determines that compelling circumstances warrant the continued reimbursement during the probationary period of any Medi-Cal claim, including any claim for dental services, as so described. In such a case, the department shall continue to reimburse the licensee for all procedures, except for those invasive or surgical procedures for which the licensee was placed on probation.”

FIRST CAUSE FOR DISCIPLINE

(Dishonest Acts - Alteration of Medical Record)

27 13. Respondent is subject to disciplinary action under section 2234,  
28 subdivisions (a) and (e), in that the medical records of two patients had been falsified by adding

1 information in order to justify their treatments and to make the records and examinations appear  
2 more thorough than they had been. The circumstances are as follows:

3 14. In or about August 1999, the Department of Health Services obtained the  
4 medical records of several patients of Respondent's, including patients R.B and V.B.<sup>1</sup>  
5 Respondent had signed a "Medi-Cal Managed Care Exemption Certification for Medical  
6 Condition" form and provided the medical records in support of the patients' requests to be  
7 removed from enrollment in a managed care plan in order to be placed in an unrestricted fee-for-  
8 service status. In the requests, Respondent asserted the patients were receiving treatment for  
9 complex medical conditions that required continued care by Respondent.

10 15. In or about October 2001, the Medical Board received a certified copy of  
11 the medical records for patients R.B. and V.B. that Respondent kept in his custody and control.

12 16. The medical records of patients R.B. and V.B. that were received by the  
13 Medical Board contained a number of additional entries that were not present in the records  
14 provided to the Department of Health Services, including but not limited to the following  
15 changes:

16 a. In the records of patient R.B., the date on one Progress Note had  
17 been changed to "8-19-99," instead of the previous date of "8-14-99, and a notation had  
18 been added to the "Current Medication" section.

19 b. The "Examination" page for patient R.B.'s August 14, 1999, visit  
20 had information about the patient's condition added, including pulse and respirations, as  
21 well as further findings in the physical examination section. A name had been added at  
22 the bottom of the record, next to the "Physician's Signature."

23 c. In the records of patient V.B., the Progress Note for February 3,  
24 2000, had information added about the patient's status, condition, diagnosis, and follow-  
25 up plan.

26 d. There were no notations in the records disclosing the date or author

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27  
28 1. Initials are used in this pleading to protect patient privacy. Respondent will be  
provided with identifying information if discovery is requested.

1 of these changes.

2 e. As the supervising physician, Respondent is responsible for any  
3 acts or omissions Physician Assistant Roberto Barba committed when performing and  
4 documenting medical services.

5 SECOND CAUSE FOR DISCIPLINE

6 (Alteration of Medical Record with False Entries)

7 17. Respondent is subject to disciplinary action under sections 2234,  
8 subdivision (a), in conjunction with sections 2261 and 2262 of the Code, in that the medical  
9 records of patients R.B and V.B. that were in his custody and control were altered or modified by  
10 himself or others to falsely represent the condition of the patients and the findings of the  
11 physician or physician assistant who examined the patients and documented their treatment on  
12 those dates. The facts and circumstances set forth in paragraphs 13 through 16, inclusive, are  
13 incorporated here.

14 THIRD CAUSE FOR DISCIPLINE

15 (Failure to Maintain Adequate and Accurate Medical Records)

16 18. Respondent is subject to disciplinary action under sections 2234,  
17 subdivision (a), and 2266 of the Code in that he failed to maintain adequate and accurate medical  
18 records for patients R.B and V.B. because the condition of the patients and findings of the  
19 physician or physician assistant who examined them were not accurately recorded at or near the  
20 time of their visits, and the records do not disclose who or when the records were altered. The  
21 facts and circumstances set forth in paragraphs 13 through 16, inclusive, are incorporated here.

22 FOURTH CAUSE FOR DISCIPLINE

23 (Repeated Negligent Acts)

24 19. Respondent is subject to disciplinary action under sections 2234,  
25 subdivision (a), and (c) of the Code in that he was repeatedly negligent in maintaining medical  
26 records for patients R.B and V.B. because the condition of the patients and findings of the  
27 physician or physician assistant who examined them were not accurately recorded at or near the  
28 time of their visits, and the records do not disclose who or when the records were altered. The

1 facts and circumstances set forth in paragraphs 13 through 16, inclusive, are incorporated here.

2 FIFTH CAUSE FOR DISCIPLINE

3 (Incompetence)

4 20. Respondent is subject to disciplinary action under sections 2234,  
5 subdivision (a), and (d) of the Code in that he incompetently maintained medical records for  
6 patients R.B and V.B. because the condition of the patients and findings of the physician or  
7 physician assistant who examined them were not accurately recorded at or near the time of their  
8 visits, and the records do not disclose who or when the records were altered. The facts and  
9 circumstances set forth in paragraphs 13 through 16, inclusive, are incorporated here.

10 DISCIPLINE CONSIDERATIONS

11 21. To determine the degree of discipline, if any, to be imposed on  
12 Respondent, Complainant alleges that on or about December 23, 1998, in a prior action, the  
13 Medical Board of California issued Citation No. 17-97-73425 and ordered Respondent to pay a  
14 fine of \$750.00 and comply with an order of abatement, which he did on or about March 23,  
15 1999. The cause for the Citation was that Respondent aided and abetted the unlicensed practice  
16 of medicine by employing Medical Assistants to treat patients without the presence of a  
17 physician on the premises, and by owning and operating a medical clinic with a person not  
18 licensed to practice medicine, in violation of section 2264 of the Code. That Citation is now  
19 final and is incorporated by reference as if fully set forth.

20 In addition, to determine the degree of discipline, if any, to be imposed on  
21 Respondent, Complainant alleges that on or about April 24, 2000, in a prior action, the Medical  
22 Board of California issued Citation No. 06-1997-80389 and ordered Respondent to pay a fine of  
23 \$500.00 and comply with an order of abatement, which he did not or about October 11, 2000.  
24 The cause for the Citation was that since in or about August 1998, Respondent had been  
25 practicing medicine under the name *Whittier Family Medical Clinic* without having a valid  
26 Fictitious Name Permit issued by the Board. That Citation is now final and is incorporated by  
27 reference as if fully set forth.

28 ////

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Division of Medical Quality issue a decision:

4 1. Revoking or suspending Physician and Surgeon Certificate No. C 35766,  
5 issued to Carl Anthony Galloway, M.D.;


6 2. Revoking, suspending or denying approval of Carl Anthony Galloway,  
7 M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;

8 3. Ordering Carl Anthony Galloway, M.D. to pay the Division of Medical  
9 Quality the reasonable costs of the investigation and enforcement of this case, and, if placed on  
10 probation, the costs of probation monitoring;

11 4. Ordering Carl Anthony Galloway, M.D. to pay the Division of Medical  
12 Quality a civil penalty of five hundred dollars (\$500) or each violation of section 2266 of the  
13 Code.

14 5. Taking such other and further action as deemed necessary and proper.

15 DATE: July 1, 2002

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19 RON JOSEPH  
20 Executive Director  
21 Medical Board of California  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant  
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